



Unveiling the Draft NPDES Construction Stormwater Permit for Minnesota



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Overview of today's presentation

- Briefly discuss stakeholder process
- Describe major changes in draft permit
- Give update on public notice process



Stakeholder process – internal

- Notes from 4 years of questions on the permit from staff and permittees.
- Internal meetings with key inspection and enforcement staff and MPCA management.



Stakeholder process results – internal

- Clear directive from management to keep changes to a minimum.
- Narrowed down the list of potential changes and determined the need for additional guidance.



Stakeholder process – external

One-on-one meetings with key stakeholders who assisted with education and outreach

- MnDOT
 - Developers
- BAM
 - Builders
- BATC
 - Consulting firms
- AGC
 - BWSR
- U of M
 - SWCD staff



Major proposed changes – five areas

1. Notice of termination
2. Subdivision registration
3. Training requirements
4. Temporary / permanent cover
5. Discharges to impaired waters



Overview of major proposed changes

1. Notice of termination
2. Subdivision registration
3. Training requirements
4. Temporary / permanent cover
5. Discharges to impaired waters



Proposed changes – notice of termination

Revisions made to clarify when permit coverage can be terminated.



Proposed changes – subdivision registration process

New requirements for original/current owner when selling portions of the property to various builders.



Proposed changes – subdivision registration process

Original/current owner:

must submit a notice of termination/permit modification to the agency with the contact information for the new owner.



Proposed changes – subdivision registration process

Original/current owner:

must provide the new owner with a copy of the partially complete notice of termination/permit modification form with the permit ID # included.



Proposed changes – subdivision registration process

Original/current owner:
must provide a SWPPP to the
new owner and operator that
specifically addresses the
remaining construction activity.



Proposed changes – subdivision registration process

New owner and operator:

- requirements stay the same –
must submit a permit modification
within 7 days of taking ownership.
- Use SWPPP provided or develop
their own.



Proposed changes – training requirements

Proposed language requires that certain individuals be trained within 18 months of permit issuance date.



Proposed changes – training requirements

Who must be trained?

- Individual(s) preparing the SWPPP



Proposed changes – training requirements

Who must be trained?

- Individual(s) overseeing the implementation of, revising and amending the SWPPP.



Proposed changes – training requirements

Who must be trained?

- Individual(s) performing installation, inspection, maintenance and repair of BMPs.



Proposed changes – training requirements

- At least one trained individual must be present on the on the project (or available to the project site in 72 hours).



Proposed changes – training requirements

- Training content – the content and extent of training must be commensurate with individual's job responsibility with regard to activities covered under the permit.



Proposed changes – training requirements

- Training documentation must be in or with the SWPPP or available within 72 hours upon request.
- Documentation must include dates of training, instructor(s) names, entity providing training and content of training course.



Proposed changes – temporary / permanent cover

Stabilize all exposed soils

no later than **14 days** after construction in that portion of the site has temporarily or permanently ceased.



Proposed changes – temporary / permanent cover

Stabilize all temporary or permanent
drainage ditches or swales

within 24 hours after connecting to
a surface water.



What are impaired waters?

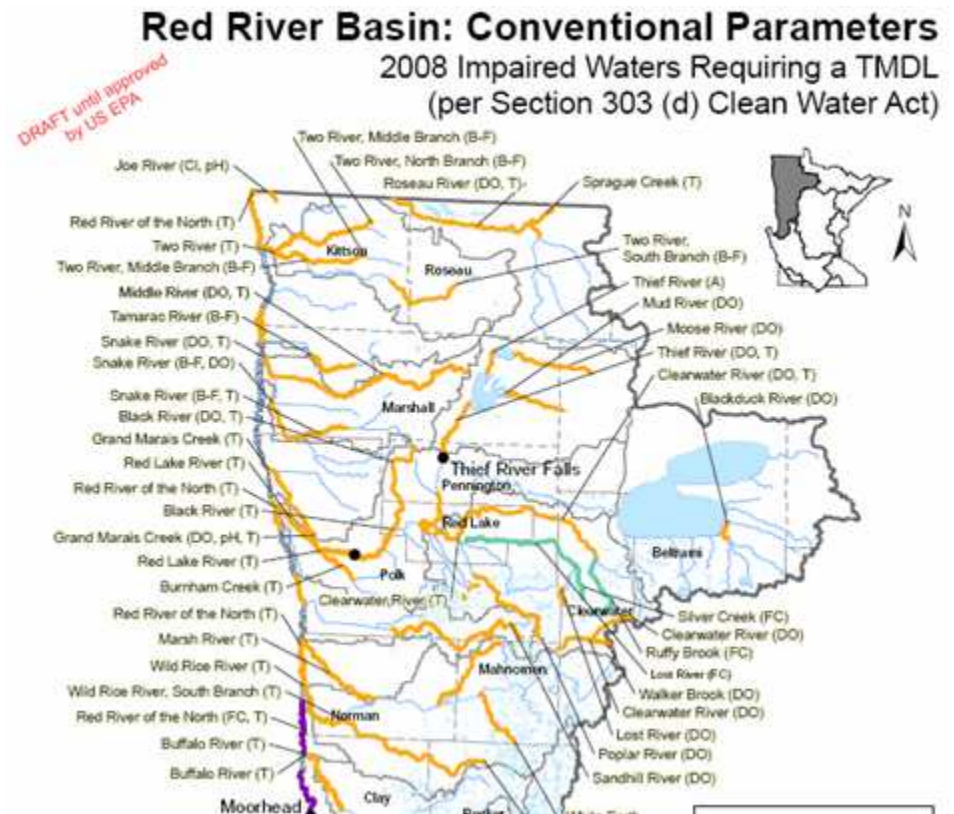
Impaired waters:

do not meet water quality standards
for one or more pollutants.



Impaired waters

When a water is listed as impaired the MPCA can't issue a permit for construction activity if the discharge of stormwater may cause or contribute to the impairment.





Proposed changes – discharges to impaired waters

- MPCA decided to take an approach focused on sediment or sediment related parameters.
- Limit the area of impact – additional BMPs only when near an impaired water, not in the entire watershed.



Proposed changes – discharges to impaired waters

- Projects located within one mile of a water listed as impaired for phosphorus, turbidity, dissolved oxygen, biotic impairment must follow appendix “A” BMPs.



Other notable proposed changes

- Concrete washout section.
- Decreased inspections when site is idle and vegetated.
- Inspections must note areas that are being disturbed and those areas where land disturbing activities have stopped.



Update on the public notice process

The draft construction stormwater permit
was put on public notice:

Beginning: February 25, 2008

Until: March 26, 2008.



After the public notice

The agency will:

1. Review and consider all comments
2. Make necessary changes to draft permit
3. Prepare written response to comments



Resources

MPCA Stormwater Program

<http://www.pca.state.mn.us/water/stormwater/index.html>

Click on the construction stormwater program to get copies of the construction permit, application, and information on special waters, fact sheets, and staff contacts.

MPCA Stormwater BMP Manual

www.pca.state.mn.us/water/pubs/sw-bmpmanual.html

An electronic copy of MPCA's *Protecting Water Quality in Urban Areas: Best Management Practices for Dealing with Stormwater Runoff from Urban, Suburban and Developing Areas of Minnesota* (2000). Includes information on all types of stormwater control practices.

Metropolitan Council's Urban Small Sites BMP Manual

<http://www.metrocouncil.org/environment/Watershed/bmp/manual.htm>

An electronic copy of the *Minnesota Urban Small Sites BMP Manual: Stormwater Best Management Practices for Cold Climates* (2001). This BMP manual provides information on construction and permanent stormwater BMPs.

Center for Watershed Protection's Stormwater Practices for Cold Climates

<http://www.cwp.org/cold-climates.htm> - Describes some of the challenges of implementing stormwater BMPs in cold climates.



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